

SENATE BILL 113
By Kurita

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 5, relative to intoxication in criminal cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-503, is amended by deleting the section in its entirety and substituting instead the following:

(a) Voluntary intoxication is not a defense to prosecution for an offense nor is it admissible in evidence for the purpose of negating a culpable mental state.

(b) Except as provided in subsection (c), involuntary intoxication itself is not a defense to prosecution for an offense. However, involuntary intoxication is admissible in evidence if it is relevant to negate a culpable mental state.

(c) If recklessness establishes an element of an offense and the person is unaware of a risk because of voluntary intoxication, the person's unawareness is immaterial in a prosecution for that offense.

(d) Intoxication itself does not constitute a mental disease or defect within the meaning of § 39-11-501. However, involuntary intoxication is a defense to prosecution if, as a result of the involuntary intoxication, the person lacked substantial capacity either

to appreciate the wrongfulness of the person's conduct or to conform that conduct to the requirements of the law allegedly violated.

(e) The following definitions apply in this part, unless the context clearly requires otherwise:

(1) "Intoxication" means disturbance of mental or physical capacity resulting from the introduction of any substance into the body;

(2) "Involuntary intoxication" means intoxication that is not voluntary; and

(3) "Voluntary intoxication" means intoxication caused by a substance that the person knowingly introduced into the person's body, the tendency of which to cause intoxication was known or ought to have been known.

SECTION 2. This act shall take effect on July 1, 2003, the public welfare requiring it.